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SENATE

{ REPORT  
105-351

### COASTAL BARRIER RESOURCES SYSTEM MAP CORRECTION—UNIT FL-35P, FLORIDA

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SEPTEMBER 28, 1998.—Ordered to be printed

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Mr. CHAFEE, from the Committee on Environment and Public  
Works, submitted the following

### REPORT

[to accompany S. 2469]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 2469) to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System, having considered the same and amendments thereto, reports favorably thereon and recommends that the bill, as amended, do pass.

#### GENERAL STATEMENT AND BACKGROUND

The Coastal Barrier Resources System (CBRS) is comprised of undeveloped coastal barriers along the coasts of the Atlantic Ocean, Gulf of Mexico, the Great Lakes, Puerto Rico and the U.S. Virgin Islands. Coastal barriers are landscape features that shield the mainland from the full force of wind, wave and tidal energies. Coastal barriers come in a variety of forms that include bay barriers, tombolos, barrier spits, barrier islands, dune or beach barriers, and fringing mangroves. Besides bearing the brunt of impacts from storms and erosion, most coastal barriers are composed of unconsolidated sediment such as sand or gravel. The geological composition makes coastal barriers highly unstable areas. Despite their instability, many coastal barriers are under heavy development pressure.

Congress passed the Coastal Barrier Resources Act of 1982 in an effort to address problems caused by coastal barrier development.

The Coastal Barrier Resources Act restricted Federal expenditures and financial assistance, including Federal flood insurance, in the CBRs. By restricting funding for Federal programs that encourage development of coastal barriers Congress sought to minimize loss of human life; reduce wasteful expenditure of Federal funds; and protect the natural resources associated with coastal barriers.

The Coastal Barrier Improvement Act of 1990 added "Otherwise Protected Areas" (OPAs) to the System. OPAs are undeveloped coastal barriers within the boundaries of lands reserved for conservation purposes such as wildlife refuges and parks. In addition, the 1990 Act added to the System coastal barriers in Puerto Rico, the U.S. Virgin Islands, the Great Lakes and along the Atlantic and Gulf coasts. The CBRs currently includes 850 units, comprising approximately 3 million acres and approximately 2,500 shoreline miles.

Undeveloped coastal barriers were identified and mapped using criteria developed by the Department of the Interior and later approved by Congress. Aerial photographs and ground inspections were used to verify the boundaries, and the results were then mapped on U.S. Geological Survey quadrangle maps. Except for minor and technical modifications to the CBRs unit boundaries to reflect changes that have occurred as a result of natural forces, modifications of CBRs unit boundaries require Congressional approval.

This bill makes a boundary change to Unit FL-35P. Unit FL-35P was designated as an "otherwise protected area" and included in the CBRs in 1990. The boundary of FL-35P bisects a portion of the Ocean Reef Harbor Course South development so that the unit includes 9 residences. Certificates of occupancy and local tax maps provided by Monroe County show that this area was in private ownership, developed and not held for conservation purposes at the time of its inclusion in the CBRs. The U.S. Fish and Wildlife Service has concluded that this modification to the boundary constitutes a technical correction.

#### REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes evaluation of the regulatory impact of the reported bill. The reported bill will provide regulatory relief to landowners in the affected unit. This bill will not have any adverse impact on the personal privacy of individuals.

#### MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the Committee finds that S. 2469 would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments. All of its governmental directives are imposed on Federal agencies. The bill does not directly impose any private sector mandates.

#### LEGISLATIVE HISTORY

On September 15, 1998, Senator Graham introduced S. 2469, a bill to direct the Secretary of the Interior to make technical correc-

tions to a map relating to one unit, FL-35P, to remove portions of that unit from the Coastal Barrier Resources System. No hearings were held on this bill. On Wednesday, September 23, 1998, the Committee on Environment and Public Works held a business meeting to consider S. 2469. Senator Graham offered an amendment that was adopted by voice vote. S. 2469, as amended, was favorably reported out of the Committee by voice vote.

#### COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 25, 1998.*

Hon. JOHN H. CHAFEE, *Chairman,*  
*Committee on Environment and Public Works,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2469, a bill to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

JUNE E. O'NEILL,  
*Director.*

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#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*S. 2469, A bill to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System, as ordered reported by the Senate Committee on Environment and Public Works on September 23, 1998.*

CBO estimates that enacting S. 2469 would result in no significant cost to the Federal Government. Because the bill could affect direct spending, pay-as-you-go procedures would apply, but we expect that net changes in direct spending would be negligible. S. 2469 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

S. 2469 would direct the Secretary of the Interior to exclude about 12 acres of land from the North Key Largo Unit of the Coastal Barrier Resources System. This change would enable local property owners to obtain Federal flood insurance. Once insurance policies have been written on all of the affected properties, offsetting collections into the national flood insurance fund from premiums would increase by around \$10,000 per year. Collections would be partially offset by new mandatory spending for underwriting and

administrative expenses. The Federal Government may also incur additional costs for losses associated with any future floods that might affect this land, but CBO has no basis for predicting such floods or their resulting costs.

The CBO staff contact is Deborah Reis, who can be reached at 226–2860. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

#### CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires the committee to publish changes in existing law made by the bill as reported. Passage of this bill will make no changes to existing law.

